

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ANTHONY PRESCOTT, #2174108

§

VS.

§

CIVIL ACTION NO. 6:18cv577

K. JOHNSON, ET AL.

§

ORDER OF PARTIAL DISMISSAL

Plaintiff Anthony Prescott, a prisoner currently confined at the Coffield Unit, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil lawsuit. The complaint was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation (Dkt. #41) concluding that Mr. Prescott's claims against inmates Cory McCowan, Joel Fuentez, Shaucey Franklin, and Nicholas Renner should be dismissed as the inmates are not state actors and cannot be sued under 42 U.S.C. § 1983. Mr. Prescott has filed objections. (Dkt. #46).

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Prescott, the Court finds that the findings and conclusions of the Magistrate Judge are correct and that Mr. Prescott's objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (Dkt. #41) is **ADOPTED**. It is further

ORDERED that the Plaintiff's claims against inmates Cory McCowan, Joel Fuentez,

Shaucey Franklin, and Nicholas Renner are **DISMISSED** with **PREJUDICE** pursuant to 28 U.S.C. § 1915A(b)(1). Mr. Prescott may continue with the remainder of his claims subject to further screening of the Court.

SIGNED this the **4** day of **March, 2020**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge